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PATENT, TRADEMARK, COPYRIGHT  
 AND UNFAIR COMPETITION LAW  
 AND RELATED LITIGATION

EDMUND P. WOOD 1923-1968  
 TRUMAN A. HERRON 1935-1976  
 EDWARD B. EVANS 1936-1971

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December 23, 2002

**FACSIMILE COVER SHEET**

To: Examiner Thomas A. Dixon  
 Assistant Commissioner for Patents  
 Washington, D.C. 20231

From: Scott A. Stinebruner  
 Reg. No. 38,323

Fax: 703-305-7687

Re: U.S. Patent Application  
 Serial No. 09/314,324  
 Filed: May 19, 1999  
 Applicant: William Joseph  
 Armstrong et al.  
 Art Unit: 3629  
 Confirmation No.: 5010  
 Our Ref: IBM/91

Enclosures:

Fax Cover Sheet containing Certificate  
 of Facsimile Transmission  
 Transmittal containing Certificate of  
 Facsimile Transmission  
 Amendment and Response

Pages: 14 (including cover sheet)

MESSAGE/COMMENTS  
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GROUP 3600

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence and the enclosures noted herein (14 total pages) are being transmitted via facsimile transmission to Examiner Thomas A. Dixon, Assistant Commissioner for Patents, Washington, D.C. 20231 at 703-305-7687 on December 23, 2002.

*Judith L. Volk*  
 Judith L. Volk

*December 23, 2002*  
 Date

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**PATENT**  
Att'y Docket No. IBM/91/124  
Confirmation No. 5010

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Judith L. Volk  
Judith L. Volk

December 23, 2002  
Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: William Joseph Armstrong et al. Art Unit: 3629  
Serial No.: 09/314,324 Examiner: Thomas A. Dixon  
Filed : May 19, 1999  
For : MANAGEMENT OF A CONCURRENT USE LICENSE IN A LOGICALLY-PARTITIONED COMPUTER

Box NON-FEE AMENDMENT  
Assistant Commissioner for Patents  
Washington, DC 20231

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**AMENDMENT TRANSMITTAL**

**GROUP 3600**

1. ☒ Transmitted herewith is an Amendment and Response.
2. ☐ Small Entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.
- ☐ Enclosed is a verified statement to establish Small Entity status
- ☒ Other than a Small Entity

**3. The fee has been calculated as shown below:**

**CALCULATION OF FEES**

Fec:	Number of Claims After Amendment:		Previously Paid For:	No. Extra:	At Rate:	Amount:
Total Claims	18	minus	20	0	\$18	\$0.00
Independent Claims	4	minus	4	0	\$84	\$0.00
MULTIPLE DEPENDENT CLAIM FEE					\$280	\$0.00
TOTAL FEE FOR CLAIMS:						\$0.00

- ☒ No additional fee for claims is required.

4. ☐ Attached is a check in the sum of \$\_\_\_\_\_ for additional claims.  
☐ Please charge my Deposit Account No. 23-3000 in the amount of \$\_\_\_\_\_.

5. **The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply. Complete (a) or (b) as applicable.**

- ☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 for the total number of months checked below:

	<u>Ext. Mos.</u>	<u>Large entity</u>	<u>Small entity</u>
<input type="checkbox"/>	one month	\$ 110.00	\$ 55.00
<input type="checkbox"/>	two months	\$ 400.00	\$ 200.00
<input type="checkbox"/>	three months	\$ 920.00	\$ 460.00
<input type="checkbox"/>	four months	\$1,440.00	\$ 720.00
<input type="checkbox"/>	five months	\$1,960.00	\$ 980.00

Extension fee due with this request:

\$\_\_\_\_\_

Method of Payment:

Check enclosed in the amount of \$\_\_\_\_\_

If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

- ☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid thereof of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested. Extension fee due with this request \$\_\_\_\_\_.

**OR**

- ☒ (b) **Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.**

6. ☒ **If any additional fee for claims or extension of time is required, charge Account No. 23-3000.**

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By:

*Scott Stinebruner*  
 Scott A. Stinebruner  
 Reg. No. 38,323

2700 Carew Tower  
 441 Vine Street  
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**Enclosed:**

Fax Cover Sheet containing Certificate of Facsimile Transmission  
 Transmittal containing Certificate of Facsimile Transmission  
 Amendment and Response

PATENT

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: William Joseph Armstrong et al. Art Unit: 3629  
Serial No.: 09/314,324 Examiner: Thomas A. Dixon  
Filed: May 19, 1999 Atty. Docket No.: IBM/91  
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PARTITIONED COMPUTER

AMENDMENT AND RESPONSE

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Assistant Commissioner for Patents  
Washington, DC 20231

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GROUP 3600

Sir:

In reply to the Office Action dated September 26, 2002, the following amendments and remarks are provided:

AmendmentsIn the Claims

Please cancel claims 2 and 11 without prejudice.

Please amend claims 1, 6, 10, 12 and 18-19 to read as follows:

1. (Once Amended) A method of managing a concurrent use software license in a logically partitioned computer of the type including a plurality of logical partitions, each including an operating system resident therein, the method comprising:

(a) tracking concurrent uses of a computer program across the plurality of logical partitions in the logically partitioned computer using a partition manager accessible by the plurality of logical partitions; and

(b) with a license manager resident in a first logical partition among the plurality of logical partitions, accessing the partition manager in response to a request to use the computer program in the first logical partition and selectively denying the request to use the computer program in the first logical partition if permitting the requested use would violate a concurrent use software license associated with the computer program.